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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 81887.0128	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>	Application Number 10/542,225		Filed 07/14/2005
	First Named Inventor Kenji Kono		
	Art Unit 2617	Examiner Huy C. Ho	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,228</u></p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> _____ Lawrence J. McClure _____ Typed or printed name _____ 310-785-4786 _____ Telephone number _____ January 26, 2010 _____ Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REASONS FOR REVIEW:

The limitations “wherein the determination section determines whether the handoff section has performed a predetermined repetition pattern of handoffs” or “changes the criterion of the determination of the handoff” are not taught or suggested by the cited references.

As noted by the Office at p. 4, line 27-p. 5, line 4 of the Office Action dated August 27, 2009, Andrus et al. (U.S. Patent Application Publication No. 2003/0203735) avoids repeating a pattern continuously. In order to avoid repeating a pattern continuously, Andrus measures the quality of the assigned channel, to which it will ultimately connect, rather than the default channel in determining the neighbor access point for handoff (see e.g., Andrus, paragraph [0027]). Therefore, the teaching of Andrus is completely unrelated to the limitation “wherein the determination section determines whether the handoff section has performed a predetermined repetition pattern of handoffs.” Furthermore, Andrus fails to disclose the limitation “changes the criterion of the determination of the handoff.”